



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David L. Brock and Woojin Lee

Application No.: 09/783,637

Group Art Unit: 3732

Filed: February 14, 2001

Examiner: Philogene, Pedro

Confirmation No.: 3195

For: SURGICAL INSTRUMENT

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
2/9/04	Pamela Sarno
Date	Signature
PAMELA SARNO	
Typed or printed name of person signing certificate	

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TRANSMITTAL OF SMALL ENTITY STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please file the enclosed Small Entity Statement in the above-identified patent application.

A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Caroline M. Fleming  
Caroline M. Fleming  
Registration No. 45,566  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133  
Dated: 2/9/04

FEB 12 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David L. Brock and Woojin Lee

Application No.: 09/783,637 Group: 3732

Filed: February 14, 2001 Examiner: Philogene, Pedro

Confirmation No.: 3195

For: **SURGICAL INSTRUMENT**

<b>CERTIFICATE OF MAILING OR TRANSMISSION</b>	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:</p>	
<u>2/19/04</u>	<u>Pamela Saino</u>
Date	Signature
<u>PAMELA SAINO</u>	
Typed or printed name of person signing certificate	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment for filing in the above-identified application.

Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.

[ X ] A Small Entity Statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

The fee has been calculated as shown below:

(COL. 1)		(COL. 2)		(COL. 3)	
	CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	39	MINUS	*	79	0
INDEP	7	MINUS	**	14	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					

SMALL ENTITY		
RATE	ADDITIONAL FEE	
X \$ 9	\$	
X \$43	\$	
+ \$145	\$	

SAFETY ENTRY		
RATE	ADDET. FEE	
X \$18	\$	
X \$86.	\$	
+	\$290	\$

\* not fewer than 20  
\*\* not fewer than 3

TOTAL = \$        0

TOTAL = \$ 0



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-2-

Please charge Deposit Account No. 08-0380 for the following fees:

<input type="checkbox"/>	Petition for [ ] month Extension of Time	\$ _____
<input type="checkbox"/>	Amendment Fee	\$ _____
<input type="checkbox"/>	Other Fees: _____ _____	\$ _____ \$ _____
		TOTAL: \$ <u>0</u>

A check is enclosed in payment of the following fees:

<input checked="" type="checkbox"/>	Petition for three month Extension of Time	\$ <u>475</u>
<input type="checkbox"/>	Amendment Fee	\$ _____
<input type="checkbox"/>	Other Fees: _____ _____	\$ _____ \$ _____
		TOTAL: \$ <u>475</u>

A general authorization is hereby granted to charge Deposit Account No. 08-0380 for any fees required under 37 C.F.R. 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Caroline M. Fleming  
Caroline M. Fleming  
Registration No.: 45,566  
Telephone (978) 341-0036  
Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133

Dated: 2/9/04

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STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.27(a))-SMALL BUSINESS CONCERN

DOCKET NUMBER: 3300.1003-002

Applicant or Patentee: David L. Brock and Woojin Lee

Application or Patent No.: 09/783,637

Filed or Issued: February 14, 2001

Title: SURGICAL INSTRUMENT

I hereby state that I am

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN endoVia Medical, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 150 Kerry Place

Norwood, MA 02062

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416 or you may call 202-205-6618.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.  
 the application identified above.  
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each person, concern or organization having rights in the invention must file separate statements as to their status as small entities. No rights to the invention are held by any person who would not qualify as a person under 37 CFR 1.27(a)(1), or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

Each additional person, concern or organization having any rights in the invention is listed below:

no such person, concern, or organization exists.  
 each such person, concern, or organization is listed below.

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Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

Robert W. Cunningham

NAME OF PERSON SIGNING

Executive Vice President

TITLE OF PERSON IF OTHER THAN OWNER

150 Kerry Place, Norwood, MA 02062

ADDRESS OF PERSON SIGNING

SIGNATURE

DATE

October 28, 2003